REMARKS

Claims 1-13 are pending in the application.

Response to Claim Rejections Under 35 USC §101:

The Examiner rejected claims 1-13 under 35 USC §101 as directed to non-statutory subject matter. Claims 1, 8, and 9 have been amended. Claim 1 has been amended to include an implementation in a computer whereas claim 9 has been amended to include a computer implemented method. Claim 8 has been amended to include a computer readable medium. Support for these amendments may be found throughout the specification including FIGS. 1-2 and the description at pages 1-3 and 9-12. No new matter has been added. Further, the specification has been amended to include antecedent basis for the computer readable medium terminology as requested by the Examiner. The specification is amended to support the terminology that pertains to the implementations described in the original specification. Applicants further clarify that the use of the term computer readable medium is not intended to cover nonstatutory subject matter such as carrier waves. Applicants respectfully submit that the amendments overcome the rejection.

Claim Rejections Under 35 USC §103

Claim 1 is currently rejected by the Examiner under 35 USC §103(a) as unpatentable over Tang in view of Keys.

The Examiner has rejected claim 1, indicating that Tang teaches all of the elements of claim 1 save for the additional driver means interposed between the operating system and the installed driver, where the additional driver means is configured to interface directly with at least the operating system. The Examiner further indicates that Keys supplies this missing element and that it would have been obvious to make the combination, one of ordinary skill in the relevant arts being motivated to provide the ability to intercept, inspect, and modify the requests between client drivers and the bus driver.

Applicants respectfully disagree with the Examiners conclusions as to

unpatentablity for at least the following reasons.

Neither Tang nor Keys nor the combination of them teaches or suggests providing a driving system having additional driver means interposed between an Operating System and a legacy driver and the driving system configured for driving the original functionality provided by the first driver and enabling additional functionality beyond that provided by the first driver, as required by claim 1.

Tang's teachings are instead limited to modifications at the Operating System (OS) level. In more detail, Tang teaches extending the OS functionality to enable additional functionality of the hardware. See, for example, FIG. 125, and col. 35, line 64, where Tang discloses that "Direct DSP extends Direct X at the API level. As illustrated in FIG. 125, the OS layer is modified by added functionality in the form of Direct DSP (block 1810). The OS level further determines whether the application requires the original functionality (yes path in block 250 vs. the extended functionality ("no" path).

Further, claim 1 requires that the "further hardware device" have functionality differing from said predetermined functionality and <u>unsupported by said operating system</u>. As a result of the modifications at the API level described above, Tang's operating sytem supports the additional functionality.

Keys (A Method and Driver for Detecting Glitches in Audio Playback) teaches a driver interposed between the Operating System and the legacy driver but doesn't teach or suggest a device driving system enabling operation of at least one further hardware device of functionality differing from said predetermined functionality. In further detail, the filter driver in Keys merely monitors the data stream without modifying it. It identifies and records information about signals, or lack of signals (faults), flowing through the driver to the USB device, hence it is not a driver which enables an additional previously unsupported hardware device. That is, it makes a record of faults and sends the record of faults to the user. (See paragraphs 0017 – 0020). Since Keys fails to teach modification of the data stream, there is no teaching or suggestion that the driver 116 should function to enable operation different from the predetermined functionality.

As noted above, applicants believe that the combination fails to teach or suggest all of the limitations of claim 1. Further, applicants respectfully submit that one of skill in

the art would not be motivated to combine the prior art references. Tang includes an operating system already modified to support additional functionality. The interposed filter driver 116 in Keys (A Method and Driver for Detecting Glitches in Audio Playback) teaches an interposed driver but one configured for monitoring glitches, not one capable of modifying data. Hence, there would be no motivation to combine the two references to generate a driver configured to support a previously unsupported hardware device. Even if combined, there would be no impetus to move the extended functionality from the operating system to the filter driver that merely plays a fault detection and reporting function.

For similar reasons, Tang and Keys fail to teach or suggest the limitations of independent claims 8 and 9. That is, since Tang teaches that the additional functionality is provided in the operating system modifications, they fail to teach that the supplemental device driver provides functionality not envisaged by the operating system provider.

For the reasons cited above, applicants submit that the claims, as amended, are allowable since they describe structure or methods that are distinguishable over the prior art. That is, Tang in combination with Keys fails to teach or suggest all of the elements of claims 1, 8, and 9. Applicants further submit that the dependant claims are allowable at least due to their dependencies from an allowable base claim. The dependant claims have additional limitations distinguishable from the art of record. In light of the above dependencies, applicants submit that further arguments as to the dependant claims are not necessary at this time.

Conclusion

Accordingly, it is submitted that all issues in the Non Final Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Applicants hereby petition for any necessary extensions of time for the filing of this paper under the provisions of 37 CFR 1.136. The director is hereby authorized to charge any appropriate fees under 37 CFR 1.17(a)(1) that may be required for a one month extension of time for the filing of this paper to Deposit Account No. 503302.

Respectfully submitted,

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